

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

KIMI RENEE BUONO
5025 Gavilan Way, Unit 54
Oceanside, CA 92057

Application for Licensure by Exam

Respondent

RN 742617

Case No. 2009-30

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **JANUARY 17, 2008.**

IT IS SO ORDERED **DECEMBER 17, 2008.**



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS, State Bar No. 132645
Supervising Deputy Attorney General

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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2009-30

13 **KIMI RENEE BUONO**
14 5025 Gavilan Way, Unit 54
Oceanside, CA 92057

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Application No. 813507

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by James M. Ledakis, Supervising Deputy Attorney General, and by Blanca I. Lopez, Senior
25 Legal Analyst.

26 2. Kimi Renee Buono (Respondent) is representing herself in this proceeding
27 and has chosen not to exercise her right to be represented by counsel.

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3. On or about March 31, 2008, Respondent filed an application dated March 26, 2008, with the Board of Registered Nursing to obtain Registered Nurse License. Respondent's application was denied on May 12, 2008.

JURISDICTION

4. Statement of Issues No. 2009-30 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on August 20, 2008. Respondent timely filed an appeal contesting the Statement of Issues. A copy of Statement of Issues No. 2009-30 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 2009-30. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 2009-30.

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9. Respondent agrees that her application for a Registered Nurse License is subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the application of Respondent Kimi Renee Buono for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall immediately be revoked, the order of revocation stayed, and Respondent placed on probation for a period of three (3) years on the following conditions:

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1 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
2 A full and detailed account of any and all violations of law shall be reported by Respondent to
3 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit completed fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 **Criminal Court Orders:** If Respondent is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

10 2. **Comply with the Board's Probation Program.** Respondent shall fully
11 comply with the conditions of the Probation Program established by the Board and cooperate
12 with representatives of the Board in its monitoring and investigation of the Respondent's
13 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
14 within no more than 15 days of any address change and shall at all times maintain an active,
15 current license status with the Board, including during any period of suspension.

16 Upon successful completion of probation, Respondent's license shall be fully
17 restored.

18 3. **Report in Person.** Respondent, during the period of probation, shall
19 appear in person at interviews/meetings as directed by the Board or its designated
20 representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of
22 residency or practice as a registered nurse outside of California shall not apply toward a reduction
23 of this probation time period. Respondent's probation is tolled, if and when she resides outside
24 of California. Respondent must provide written notice to the Board within 15 days of any change
25 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

27 Respondent shall provide a list of all states and territories where she has ever been
28 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further

1 provide information regarding the status of each license and any changes in such license status
2 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
3 new nursing license during the term of probation.

4 **5. Submit Written Reports.** Respondent, during the period of probation,
5 shall submit or cause to be submitted such written reports/declarations and verification of actions
6 under penalty of perjury, as required by the Board. These reports/declarations shall contain
7 statements relative to Respondent's compliance with all the conditions of the Board's Probation
8 Program. Respondent shall immediately execute all release of information forms as may be
9 required by the Board or its representatives.

10 Respondent shall provide a copy of this Decision to the nursing regulatory agency
11 in every state and territory in which she has a registered nurse license.

12 **6. Function as a Registered Nurse.** Respondent, during the period of
13 probation, shall engage in the practice of registered nursing in California for a minimum of 24
14 hours per week for 6 consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered
16 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
17 work in any non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice
19 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
20 Board.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation shall apply.

27 **7. Employment Approval and Reporting Requirements.** Respondent
28 shall obtain prior approval from the Board before commencing or continuing any employment,

1 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
2 performance evaluations and other employment related reports as a registered nurse upon request
3 of the Board.

4 Respondent shall provide a copy of this Decision to her employer and immediate
5 supervisors prior to commencement of any nursing or other health care related employment.

6 In addition to the above, Respondent shall notify the Board in writing within
7 seventy-two (72) hours after she obtains any nursing or other health care related employment.

8 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
9 terminated or separated, regardless of cause, from any nursing, or other health care related
10 employment with a full explanation of the circumstances surrounding the termination or
11 separation.

12 8. **Supervision.** Respondent shall obtain prior approval from the Board
13 regarding Respondent's level of supervision and/or collaboration before commencing or
14 continuing any employment as a registered nurse, or education and training that includes patient
15 care.

16 Respondent shall practice only under the direct supervision of a registered nurse
17 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
18 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
19 are approved.

20 Respondent's level of supervision and/or collaboration may include, but is not
21 limited to the following:

22 (a) Maximum - The individual providing supervision and/or collaboration is
23 present in the patient care area or in any other work setting at all times.

24 (b) Moderate - The individual providing supervision and/or collaboration is in
25 the patient care unit or in any other work setting at least half the hours Respondent works.

26 (c) Minimum - The individual providing supervision and/or collaboration has
27 person-to-person communication with Respondent at least twice during each shift worked.

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1 (d) Home Health Care - If Respondent is approved to work in the home health
2 care setting, the individual providing supervision and/or collaboration shall have person-to-
3 person communication with Respondent as required by the Board each work day. Respondent
4 shall maintain telephone or other telecommunication contact with the individual providing
5 supervision and/or collaboration as required by the Board during each work day. The individual
6 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
7 site visits to patients' homes visited by Respondent with or without Respondent present.

8 9. **Employment Limitations.** Respondent shall not work for a nurse's
9 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
10 traveling nurse, or for an in-house nursing pool.

11 Respondent shall not work for a licensed home health agency as a visiting nurse
12 unless the registered nursing supervision and other protections for home visits have been
13 approved by the Board. Respondent shall not work in any other registered nursing occupation
14 where home visits are required.

15 Respondent shall not work in any health care setting as a supervisor of registered
16 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
17 nurses and/or unlicensed assistive personnel on a case-by-case basis.

18 Respondent shall not work as a faculty member in an approved school of nursing
19 or as an instructor in a Board approved continuing education program.

20 Respondent shall work only on a regularly assigned, identified and predetermined
21 worksite(s) and shall not work in a float capacity.

22 If Respondent is working or intends to work in excess of 40 hours per week, the
23 Board may request documentation to determine whether there should be restrictions on the hours
24 of work.

25 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
26 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
27 than six months prior to the end of her probationary term.

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1 Respondent shall obtain prior approval from the Board before enrolling in the
2 course(s). Respondent shall submit to the Board the original transcripts or certificates of
3 completion for the above required course(s). The Board shall return the original documents to
4 Respondent after photocopying them for its records.

5 **11. Violation of Probation.** If Respondent violates the conditions of her
6 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
7 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
8 license.

9 If during the period of probation, an accusation or petition to revoke probation has
10 been filed against Respondent's license or the Attorney General's Office has been requested to
11 prepare an accusation or petition to revoke probation against Respondent's license, the
12 probationary period shall automatically be extended and shall not expire until the accusation or
13 petition has been acted upon by the Board.

14 **12. License Surrender.** During Respondent's term of probation, if she ceases
15 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
16 probation, Respondent may surrender her license to the Board. The Board reserves the right to
17 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
18 take any other action deemed appropriate and reasonable under the circumstances, without
19 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
20 will no longer be subject to the conditions of probation.

21 Surrender of Respondent's license shall be considered a disciplinary action and
22 shall become a part of Respondent's license history with the Board. A registered nurse whose
23 license has been surrendered may petition the Board for reinstatement no sooner than the
24 following minimum periods from the effective date of the disciplinary decision:

25 (1) Two years for reinstatement of a license that was surrendered for any
26 reason other than a mental or physical illness; or

27 (2) One year for a license surrendered for a mental or physical illness.

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1 13. **Physical Examination.** Within 45 days of the effective date of this
2 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
3 physician assistant, who is approved by the Board before the assessment is performed, submit an
4 assessment of the Respondent's physical condition and capability to perform the duties of a
5 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
6 medically determined, a recommended treatment program will be instituted and followed by the
7 Respondent with the physician, nurse practitioner, or physician assistant providing written
8 reports to the Board on forms provided by the Board.

9 If Respondent is determined to be unable to practice safely as a registered nurse,
10 the licensed physician, nurse practitioner, or physician assistant making this determination shall
11 immediately notify the Board and Respondent by telephone, and the Board shall request that the
12 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
13 shall immediately cease practice and shall not resume practice until notified by the Board.
14 During this period of suspension, Respondent shall not engage in any practice for which a license
15 issued by the Board is required until the Board has notified Respondent that a medical
16 determination permits Respondent to resume practice. This period of suspension will not apply
17 to the reduction of this probationary time period.

18 If Respondent fails to have the above assessment submitted to the Board within
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
20 practice until notified by the Board. This period of suspension will not apply to the reduction of
21 this probationary time period. The Board may waive or postpone this suspension only if
22 significant, documented evidence of mitigation is provided. Such evidence must establish good
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
24 provided. Only one such waiver or extension may be permitted.

25 14. **Participate in Treatment/Rehabilitation Program for Chemical**
26 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
27 period or shall have successfully completed prior to commencement of probation a Board-
28 approved treatment/rehabilitation program of at least six months duration. As required, reports

1 shall be submitted by the program on forms provided by the Board. If Respondent has not
2 completed a Board-approved treatment/rehabilitation program prior to commencement of
3 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
4 a program. If a program is not successfully completed within the first nine months of probation,
5 the Board shall consider Respondent in violation of probation.

6 Based on Board recommendation, each week Respondent shall be required to
7 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
8 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
9 by the Board. If a nurse support group is not available, an additional 12-step meeting or
10 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
11 such attendance to the Board during the entire period of probation. Respondent shall continue
12 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
13 mental health examiner and/or other ongoing recovery groups.

14 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
15 shall completely abstain from the possession, injection or consumption by any route of all
16 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
17 the same are ordered by a health care professional legally authorized to do so as part of
18 documented medical treatment. Respondent shall have sent to the Board, in writing and within
19 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
20 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
21 medication will no longer be required, and the effect on the recovery plan, if appropriate.

22 Respondent shall identify for the Board a single physician, nurse practitioner or
23 physician assistant who shall be aware of Respondent's history of substance abuse and will
24 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
25 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
26 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
27 condition. If any substances considered addictive have been prescribed, the report shall identify a
28 program for the time limited use of any such substances.

1 The Board may require the single coordinating physician, nurse practitioner, or
2 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
3 addictive medicine.

4 **16. Submit to Tests and Samples.** Respondent, at her expense, shall
5 participate in a random, biological fluid testing or a drug screening program which the Board
6 approves. The length of time and frequency will be subject to approval by the Board.
7 Respondent is responsible for keeping the Board informed of Respondent's current telephone
8 number at all times. Respondent shall also ensure that messages may be left at the telephone
9 number when she is not available and ensure that reports are submitted directly by the testing
10 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
11 to the Board by the program and Respondent shall be considered in violation of probation.

12 In addition, Respondent, at any time during the period of probation, shall fully
13 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
14 tests and samples as the Board or its representatives may require for the detection of alcohol,
15 narcotics, hypnotics, dangerous drugs, or other controlled substances.

16 If Respondent has a positive drug screen for any substance not legally authorized
17 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
18 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
19 from practice pending the final decision on the petition to revoke probation or the accusation.
20 This period of suspension will not apply to the reduction of this probationary time period.

21 If Respondent fails to participate in a random, biological fluid testing or drug
22 screening program within the specified time frame, Respondent shall immediately cease practice
23 and shall not resume practice until notified by the Board. After taking into account documented
24 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
25 Board may suspend Respondent from practice pending the final decision on the petition to
26 revoke probation or the accusation. This period of suspension will not apply to the reduction of
27 this probationary time period.

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1 17. **Mental Health Examination.** Respondent shall, within 45 days of the
2 effective date of this Decision, have a mental health examination including psychological testing
3 as appropriate to determine her capability to perform the duties of a registered nurse. The
4 examination will be performed by a psychiatrist, psychologist or other licensed mental health
5 practitioner approved by the Board. The examining mental health practitioner will submit a
6 written report of that assessment and recommendations to the Board. All costs are the
7 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
8 result of the mental health examination will be instituted and followed by Respondent.

9 If Respondent is determined to be unable to practice safely as a registered nurse,
10 the licensed mental health care practitioner making this determination shall immediately notify
11 the Board and Respondent by telephone, and the Board shall request that the Attorney General's
12 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease
13 practice and may not resume practice until notified by the Board. During this period of
14 suspension, Respondent shall not engage in any practice for which a license issued by the Board
15 is required, until the Board has notified Respondent that a mental health determination permits
16 Respondent to resume practice. This period of suspension will not apply to the reduction of this
17 probationary time period.


18 If Respondent fails to have the above assessment submitted to the Board within
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
20 practice until notified by the Board. This period of suspension will not apply to the reduction of
21 this probationary time period. The Board may waive or postpone this suspension only if
22 significant, documented evidence of mitigation is provided. Such evidence must establish good
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
24 provided. Only one such waiver or extension may be permitted.

25 18. **Therapy or Counseling Program.** Respondent, at her expense, shall
26 participate in an on-going counseling program until such time as the Board releases her from this
27 requirement and only upon the recommendation of the counselor. Written progress reports from
28 the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 9/2/08


Kimi Renee Buono
Respondent

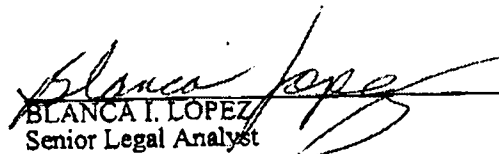
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: November 18, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

JAMES M. LEDAKIS
Supervising Deputy Attorney General


BLANCA I. LOPEZ
Senior Legal Analyst

Attorneys for Complainant

Exhibit A

Statement of Issues No. 2009-30

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 JAMES M. LEDAKIS, State Bar No. 132645
Supervising Deputy Attorney General

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8 Attorneys for Complainant

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11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2009-30

13 KIMI RENEE BUONO
14 5025 Gavilan Way, Unit 54
Oceanside, CA 92057

STATEMENT OF ISSUES

15 Application No. 813507

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Statement of
21 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
22 Department of Consumer Affairs.

23 2. On or about March 31, 2008, the Board of Registered Nursing,
24 Department of Consumer Affairs received an application for an Application for Licensure by
25 Examination from Kimi Renee Buono (Respondent). On or about March 26, 2008, Kimi Renee
26 Buono certified under penalty of perjury to the truthfulness of all statements, answers, and
27 representations in the application. The Board denied the application on May 12, 2008.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 2736 of the Business and Professions Code (Code) provides, in pertinent part, that the Board of Registered Nursing (Board) may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

5. Section 480 of the Code states:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“....

“(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

“....”

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1 6. Section 2761 of the Code states:

2 "The board may take disciplinary action against a certified or licensed nurse or
3 deny an application for a certificate or license for any of the following:

4 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

5 "(f) Conviction of a felony or of any offense substantially related to the
6 qualifications, functions, and duties of a registered nurse, in which event the record of the
7 conviction shall be conclusive evidence thereof.

8 ". . . ."

9 7. Section 475 of the Code states:

10 "(a) Notwithstanding any other provisions of this code, the provisions of this division
11 shall govern the denial of licenses on the grounds of:

12 ". . . .

13 "(2) Conviction of a crime.

14 ". . . ."

15 8. Section 477 of the Code states:

16 As used in this division:

17 "(a) "Board" includes "bureau," "commission," "committee," "department,"
18 "division," "examining committee," "program," and "agency."

19 "(b) "License" includes certificate, registration or other means to engage in a
20 business or profession regulated by this code."

21 9. Section 480 of the Code states:

22 "(a) A board may deny a license regulated by this code on the grounds that the
23 applicant has one of the following:

24 "(1) Been convicted of a crime. A conviction within the meaning of this section
25 means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action
26 which a board is permitted to take following the establishment of a conviction may be taken
27 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,

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1 or when an order granting probation is made suspending the imposition of sentence, irrespective
2 of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

3 "....

4 "(3) Done any act which if done by a licentiate of the business or profession in
5 question, would be grounds for suspension or revocation of license.

6 "The board may deny a license pursuant to this subdivision only if the crime or act
7 is substantially related to the qualifications, functions or duties of the business or profession for
8 which application is made."

9 CAUSE FOR DENIAL OF APPLICATION

10 (Conviction of a Crime)
11 (June 2006 - Driving Under the Influence of Alcohol and/or Drugs)

12 10. Respondent's application is subject to denial under Code sections
13 2761/480 in that on or about June 1, 2006, in a criminal proceeding entitled *People v. Kimi*
14 *Renee Buono* in San Diego County, North County Division, Case Number CN211908,
15 Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152(b)
16 (Driving Under the Influence of Alcohol), a misdemeanor. The circumstances are as follows:

17 a. On or about April 20, 2006, Respondent was arrested for driving under the
18 influence of alcohol. It was determined that Respondent had a blood alcohol level of .26%.

19 b. As a result of the above conviction, Respondent was placed on five years
20 summary probation, ordered to serve 180 days in county jail, with sentence suspended, and was
21 ordered to pay \$1,800 in fines, to perform 15 days of volunteer work, and complete a 9-month
22 First Conviction Program.

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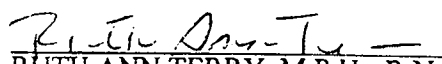
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application for licensure by examination for a registered nurse license of Kimi Renee Buono;
2. Taking such other and further action as deemed necessary and proper.

DATED: 8/12/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant